

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21 are currently pending. Claims 1, 8, and 15 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner indicated that the references and the IDS dated February 9, 2004, “have not been considered because the Applicant has canceled them;”¹ the specification was objected to regarding missing information on pages 1-3; Claims 1-21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-24 of co-pending Application No. 09/782,064 (hereinafter “the ‘064 application”); and Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. US 2003/0212759 to Wu (hereinafter “the ‘759 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on October 7, 2004, at which time a proposed amendment to Claim 1 was discussed. At the conclusion of the interview, the Examiner indicated that further consideration of the claims would be required upon formal submission of a response to the outstanding Office Action.

Regarding the references submitted in the Information Disclosure Statement filed February 9, 2004, Applicants request clarification of the statement that “the applicant has canceled them.” Applicants are not aware that any of the submitted references have been “canceled.”

¹ Page 2 of the Office Action dated July 14, 2004.

Regarding the objection to the specification, the specification has been amended to include the missing serial numbers and dates on page 1 of the specification. No new matter has been added. Accordingly, the objection to the specification is believed to have been overcome.

Applicants respectfully traverse the obviousness-type double patenting rejection of Claims 1-21 over Claims 1-24 in the '064 application. Initially Applicants note that Claim 1 of the present application recites sending, by a protocol processor in an application unit, the first information to a first predetermined destination through a first communication protocol. Moreover, Applicants note that the '064 application does not claim a protocol processor. Accordingly, Applicants respectfully submit that the claims in the '064 application and the claims in the present application are directed to patentably distinct subject matter. Accordingly, Applicants respectfully submit that the double-patenting rejection of Claims 1-21 should be withdrawn.

Claim 1 is directed to an object oriented method of collecting information regarding a plurality of target applications in an application unit, comprising: (1) receiving from a first one of the plurality of target application through an interface, by a monitoring device in the application unit, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and (2) sending, by a protocol processor in the application unit, the first information to the first predetermined destination through the first communication protocol, wherein the protocol processor is configured to send data through a plurality of different communication protocols. Claim 1 has been amended to clarify that the monitoring device and the protocol processor are in the application unit. The

changes to Claim 1 are supported by the originally filed specification and do not add new matter.²

The '759 patent is directed to a method and system for providing advertising messages to users of handheld computing devices. As shown in Figures 3 and 4, the '759 patent discloses a method in which a request for content is received from the handheld computer by a website server and/or an advertisement server. However, the '759 patent fails to disclose (1) receiving from a first one of a plurality of target application, by a monitor device in an application unit, a request to send first information regarding monitored usage of the first one of the plurality of target applications, and, (2) sending, by a protocol processor in the application unit, the first information to the first predetermined destination through the first communication protocol, as recited in amended Claim 1. The '759 patent does not disclose that the plurality of target applications, the monitoring device, and the protocol processor are all in the application unit. Further, Applicants submit that the '759 patent fails to disclose that the first information regards monitored usage of a first one of the provided target applications. Rather, the '759 patent discloses the sending of advertisement information. Accordingly, Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-7) is rendered moot by the present amendment to Claim 1.

Amended Claims 8 and 15 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 8 and 15 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 8 and 15 (and all associated dependent claims) are rendered moot by the present amendment to Claims 8 and 15.

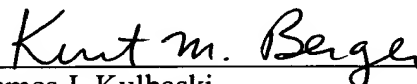
² See, e.g., Figures 10 and 12A and the discussion related thereto in the specification.

Thus, it is respectfully submitted that independent Claims 1, 8, and 15 patentably define over the '759 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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